

Application Number 10/594,777
AMENDMENT of January 4, 2012
In reply to Office Action of October 4, 2011

REMARKS

This response under 37 C.F.R. § 1.111 replies to the Office Action of October 4, 2011.

Claims 1 through 13 and 15 through 22 are pending in the application. Claims 1 through 13 and 15 through 22 are amended by this response. Claim 14 is canceled. The amendments are for clarification purposes and are fully supported by the specification. No new matter is added.

The Applicants amend four paragraphs of the specification to correct minor errors. Specifically, the errors include the use of reference characters not used in the figures and one incorrectly identified element. No new matter is added.

The Applicants thank the Examiner for conducting the telephone interview on October 27, 2011. The Applicants believe that this response complies with the matters discussed during the interview. If the Examiner believes otherwise, the Applicants request that the Examiner contact the attorney below by telephone.

1. Objection to the Claims

The Examiner objects to claims 4, 10, 19, 21, and 22 for specific informalities. The Applicants adopt the Examiner's suggestions to overcome these objections. These objections are believed to be moot.

2. Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 1 through 13 and 15 through 22 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner again provides specific objections with

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suggested corrections. The Applicants adopt the Examiner's suggestions to overcome these objections. The Applicants request withdrawal of this rejection.

3. Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1 through 13 and 15 through 22 under 35 U.S.C. § 103(a) as being obvious under U.S. Patent Number 4,721,411 to Recalde. The Applicants traverse this rejection and request reconsideration.

The Applicants amend claims 1 and 15 to clarify that the apparatus is operable in a first mode and a second mode. In the first mode, the tensioner axis is at an elevated angle aligned with the departure angle of the rigid elongate product being laid. In the second mode, the structure is tiltable between upright and *fully* horizontal states. (*See* specification on page 14 at line 18.) The tensioner axis is substantially horizontal, and the apparatus receives flexible elongate product from the tensioner along the axis.

The Recalde structure has no need to tilt into a fully horizontal position because it does not lay flexible elongate product. More importantly, the Recalde structure cannot tilt to a fully horizontal structure.

The Recalde patent does not disclose or make obvious the structure claimed by the Applicants. The Recalde patent does not teach, suggest, or motivate one skilled in the art to an apparatus having the Applicants' two claimed modes as defined by the tensioner axis. The Recalde structure lays only rigid elongate product or pipe. (*See* U.S. Patent No. 4,721,411 to Recalde in col. 4 at lns. 13, 42-3, and 68, col. 5 at lns. 1, 4-5, 44, and 67, col. 6 at lns. 5-6, and

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61-2, col. 7 at ln. 55, col. 9 at ln. 60, col. 11 at lns. 9, 20, 52, 54-5, 58, and 59, col. 12 at lns. 11, 17, 19, and 23-4, col. 16 at lns. 19 and 22, col. 19 at ln. 27, col. 25 at ln. 8, col. 31 at ln. 21, col. 32 at ln. 56, col. 33 at ln. 40, col. 34 at ln. 53, col. 35 at lns. 23-4, col. 36 at ln. 44, and col. 38 at ln. 21.) The Recalde disclosure does not contemplate laying a flexible elongate product and cannot lay such a flexible product because the structure does not provide a horizontal state by which such flexible products can be laid at sea.

The Examiner also appears to focus on two different features of the '411 patent stating that the patent teaches "a support structure (roller ramp 1336) for diverting the flexible elongate product (pipeline 1326) to the desired curvature (Figs. 41, 45 and 46; column 35, lines 17-35; column 36, lines 53-58)." The '411 patent relates to laying rigid pipe as identified above. Yet, the Examiner asserts that the disclosed device could be used for flexible pipe.

The '411 patent discloses that the elongate product is diverted to a desired curvature by a straightener 1302 (as described in the '411 patent at col. 36 at lns 41 through 61) and is then supported without being diverted (because it is already at the "desired curvature") by ramp 1336 rollers for entry into the water. This arrangement could only function as intended for rigid pipe, as the straightener 1302 could not impose a desired curvature on flexible pipe. This arrangement cannot be imposed on flexible pipe, as the curvature would be lost when the flexible pipe was laid and so experience a different tension regime (because the pipe is flexible and not rigid). If, as the Examiner suggests, an attempt was made to lay flexible pipe with the disclosed structure

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of the '411 patent, it would not lead to the results set out in the '411 patent because of the different properties of rigid and flexible pipe.

The Recalde structure cannot lay a flexible elongate product at sea because its tower or structure cannot tilt to a fully horizontal state. The person of ordinary skill cannot use the Recalde structure for laying such a flexible product. To attempt to do so would be destructive of the flexible product and the intended purpose of the '411 patent.

The Recalde disclosure does not contemplate laying a flexible elongate product and does not provide any teaching, suggestion, or motivation to modify its structure to lay such a flexible product. This rejection should be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration is requested.

Respectfully submitted,

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